P.R. No. 4052/04
Presented by Shri Rohit Bajpai
dated 21.10.04

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(C.G.)

WRIT PETITION.NO. 4067 OF 2004

BETWEEN

Ram Kripal Devdas s/o Shri D.R.Devas aged about 30 years,presently posted and working as Assistant Teacher, posted at Primary School Bami (attached with Primary School Baniya (Sankul Ranvirpur), resident of Village Koylari,District Kabirdham (C.G.)

PETITIONER

AND

1- The State of Chhattisgarh,
Through the Secretary Department of School Education,Mantralay D.K.S. Building, Raipur (C.G.)

2- The Director, Public Instruction,Chhattisgarh,Raipur.Teshil and District Raipur (CG.)

3- The Collector,Kabirdham (C.G.)

4- The District Education Kabirdham, (CG).

5- The Block Education Officer,Salhe Lohara,District Kabirdham (CG).

6- Chief Executive Officer, Janpad Panchayat,Salhe Lohara,District Kabirdham (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

12.11.2004

XI-HC-22

(38)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

WP(S) 406/04

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15.7.2005

Smt. Renu Kocher, Advocate for the petitioner.

Shri Pankaj Shrivastava, Advocate for the respondents No.1 to 5.

None for the Respondent No.6.

Heard.

The petitioner has filed this petition under Article 226/227 of the Constitution of India challenging the order dated 13.8.2004 passed by the Respondent No.3 Collector, whereby he has been placed under suspension.

The petitioner was appointed as Shiksha Karmi Grade-III vide order dated 24.9.1998 and was posted at Primary School, Bami. The services of the petitioner was suspended vide order dated 13.8.2004 (Annexure P/1). Learned counsel for the petitioner submits that the second proviso of sub-rule (5) (a) of Rule 9 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules 1966 (for short 'the Rules 1966') provides that 'the order of suspension shall stand revoked on expiry of the period of 90 days from the date of order of suspension, in case the copy of charges and

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक 4067/04 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

other documents referred to in sub-rule 2(a) are not issued to such Government servant', and as provided in sub-rule 2(a) of Rule 9 of the Rules 1966 copy of the articles of charges, the statement of imputations of misconduct and a list of documents and witnesses have not yet been provided to the petitioner.

In the present case the prescribed period of 90 days expired on 12.11.2004 from the date of issuance of the suspension order i.e. 13.8.2004. Admittedly, the petitioner has not been served with any charge sheet and other documents as required. Accordingly, the suspension order stands revoked.

Learned counsel for the petitioner further submits that no payment of subsistence allowance has been made to the petitioner till date.

Notices were issued to the respondents on 25.2.2005, despite notice, no reply has been filed by them.

In view of the fact that during suspension period for the 90 days no charge-sheet and other documents were

(पीछे देखिये)

XI-HC-22

(40)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक 4067/04 ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

issued to the petitioner the suspension stands automatically revoked as provided in Sub-rule 5 (a) of Rule 9 of the Rules 1966.

Shri Pankaj Shrivastava, learned counsel appearing the respondents/State submits that this is for the Respondent No.6 to explain.

In view of the foregoing the petition is allowed and the respondents are directed to make payment of salary to the petitioner for the suspension period within a period of one month from the date of receipt of copy of this order. However, there shall be no order as to costs.

Consequently, M(W) P No. 4459/2004, I.A. No. 8289/2004, 8290/2004 and 1346/2005 stand disposed of.

Sd/-
Satish K. Agnihotri
Judge

(पीछे देखिये)